

MEMORANDUM

GOE  
Agenda Item No. 3D

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

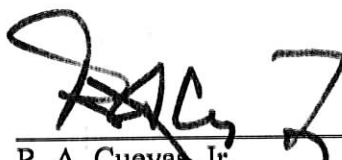
**DATE:** September 11, 2007

**FROM:** R. A. Cuevas, Jr.  
Acting County Attorney

**SUBJECT:** Ordinance pertaining to  
planning; providing time to  
submit restrictive covenants  
relating to applications to  
amend the Comprehensive  
Development Master Plan

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The accompanying ordinance was prepared and placed on the agenda at the request of  
Commissioner Katy Sorenson.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
Acting County Attorney

RAC/bw

# Memorandum



**Date:**


**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George W. Borjas  
County Manager

**Subject:** Ordinance pertaining to planning; providing time to submit restrictive covenants relating to applications to amend the Comprehensive Development Master Plan

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The ordinance providing time to submit restrictive covenants relating to applications to amend the Comprehensive Development Master Plan will not have fiscal impact to Miami-Dade County.

  
\_\_\_\_\_  
Jennifer Glazer-Moon, Director  
Office of Strategic Business Management

fls02407

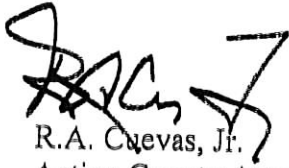


# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM:   
R.A. Cuevas, Jr.  
Acting County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(E)

7-10-07

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO PLANNING;  
AMENDING SECTION 2-116.1 OF THE CODE OF  
MIAMI-DADE COUNTY, FLORIDA; PROVIDING TIME  
TO SUBMIT RESTRICTIVE COVENANTS; PROVIDING  
SEVERABILITY, INCLUSION IN THE CODE, AND AN  
EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 2-116.1 of the Code of Miami-Dade County is hereby  
amended as follows<sup>1</sup>:

**Sec. 2-116.1. Amendment procedure for Comprehensive Development  
Master Plan.**

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(9) >>Restrictive Covenants.

(a) A restrictive covenant proffered by an applicant in connection  
with an application for amendment, modification, addition or change to  
the Comprehensive Development Master Plan shall be submitted as  
follows:

(1) A restrictive covenant shall be submitted in final and  
executed form to the Director by July 27 (for the April Cycle) or  
by January 27 (for the October Cycle) for consideration and  
inclusion in the Department's Initial Recommendations report.  
A restrictive covenant may be proffered or revised thereafter in  
the manner specified herein.

(2) A restrictive covenant may be submitted following the  
public hearing by the Community Council, provided that it shall  
be submitted in final and executed form to the Director at least  
fifteen (15) working days prior to the public hearing on  
transmittal scheduled before the Planning Advisory Board (PAB)  
acting as the local planning agency.

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(3) A restrictive covenant may be submitted following the PAB transmittal hearing, provided that it shall be submitted in final and executed form to the Director at least fifteen (15) working days prior to the public hearing on transmittal or final action on applications for small-scale amendments scheduled before the Board of County Commissioners.

(4) A restrictive covenant related to an application for a standard amendment may be submitted to address the Objections, Recommendations and Comments report from the state land planning agency or comments from other reviewing agencies or the public. In that event, the restrictive covenant shall be submitted to the Director, for consideration and inclusion in the Department's Revised Recommendations report, at least three (3) weeks prior to the public hearing scheduled before the PAB to formulate final recommendations. A restrictive covenant may be submitted following the PAB hearing, provided that it shall be submitted in final and executed form to the Director at least fifteen (15) working days prior to the public hearing to take final action scheduled before the Board of County Commissioners.

(b)<< No applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the land use map shall be permitted to argue or represent to the Board of County Commissioners or other recommending County board that the property which is the subject of the application will be put to a specific use or uses or to exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a restrictive covenant committing to such representation which has been submitted to the Director >>in accordance with this section<< and has received approval as to form.

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**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this

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ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Handwritten signature in black ink, appearing to be "RAC", written over a horizontal line.

Prepared by:

Handwritten signature in black ink, appearing to be "DAK", written over a horizontal line.

Dennis A. Kerbel

Sponsored by Commissioner Katy Sorenson